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8 *Attorneys for Defendant*

9
10 **IN THE UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
11 **SAN FRANCISCO DIVISION**

12 SIERRA CLUB,

13 Plaintiff,

14 v.
15

16 LISA P. JACKSON,
in her official capacity as Administrator of
17 the United States Environmental Protection
Agency,
18

19 Defendant.
20

Case No. 12-cv-4762-RS

**SECOND JOINT STIPULATION AND
ORDER FOR EXTENSION OF TIME
FOR DEFENDANT TO FILE REPLY
MEMORANDUM IN SUPPORT OF
MOTION TO DISMISS**

21 Pursuant to Local Rule 6-1, Plaintiff Sierra Club (“Sierra Club”) and Defendant
22 Lisa Jackson, in her official capacity as Administrator of the United States Environmental
23 Protection Agency (“EPA”), hereby stipulate through their undersigned counsel that the
24 EPA shall have until February 4, 2013 to file a reply memorandum in support of motion to
25 dismiss. Dkt. #20.

26 Due to the limited availability of EPA staff over the recent holiday season, the
27 Court previously granted an extension of time for the EPA to file the reply. Dkt. #27.
28

Undersigned counsel also previously stipulated for EPA to respond to Sierra Club's Complaint. Dkt. #16.

This extension of time is needed for the parties to discuss whether these proceedings should be held in abeyance in light of a recent EPA action. An abeyance would obviate the need for the Court to consider the pending motion to dismiss and further the interests of judicial economy.

No other future dates or deadlines regarding this case are impacted by this stipulation.

IT IS SO STIPULATED.

I, John Thomas H. Do, can attest that concurrence in the filing of this joint stipulation has been obtained from Robert Ukeiley, counsel for Sierra Club.

Respectfully submitted,

FOR SIERRA CLUB

DATED: January 10, 2013

/s/ Robert Ukeiley (with permission)

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FOR THE UNITED STATES OF AMERICA

IGNACIA S. MORENO
Assistant Attorney General
Environment & Natural Resources Division

DATED: January 10, 2013

/s/ John Thomas H. Do
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IT IS SO ORDERED

Dated: 1/10, 2013

A handwritten signature in blue ink, appearing to read "Richard L. Seaberg", is written over a horizontal line.

United States District Court Judge